

103D CONGRESS
1ST SESSION

H. R. 2099

To require the Congress to comply with the laws which it requires others
to comply with.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1993

Mr. KLINK (for himself, Mr. MCHALE, Mr. McMILLAN, Mr. MINGE, Mr. BARRETT of Wisconsin, Mr. BAESLER, Mr. HOLDEN, Ms. SCHENK, Mr. INGLIS of South Carolina, Mr. GOSS, Mr. BACHUS of Alabama, Mr. MANN, Mr. LEVY, Mr. EVERETT, and Mr. KREIDLER) introduced the following bill; which was referred jointly to the Committees on House Administration, Education and Labor, Government Operations, the Judiciary, Rules, and Public Works and Transportation

A BILL

To require the Congress to comply with the laws which
it requires others to comply with.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equity for Congress
5 Act”.

6 **SEC. 2. COVERAGE OF CONGRESS IN MATTERS INVOLVING** 7 **EMPLOYMENT.**

8 (a) APPLICATION.—

1 (1) IN GENERAL.—The rights and protections
2 provided pursuant to this Act and the provisions of
3 law specified in paragraph (2) shall apply with re-
4 spect to employment by the Congress.

5 (2) PROVISIONS.—The provisions of law that
6 shall apply with respect to employment by Congress
7 are—

8 (A) title VII of the Civil Rights Act of
9 1964 (42 U.S.C. 2000e et seq.),

10 (B) the Age Discrimination in Employment
11 Act of 1967 (29 U.S.C. 621 et seq.),

12 (C) the National Labor Relations Act (29
13 U.S.C. 151 et seq.),

14 (D) section 1977 of the Revised Statutes
15 (42 U.S.C. 1881),

16 (E) section 1977A of the Revised Statutes
17 (42 U.S.C. 1881a),

18 (F) the Fair Labor Standards Act of 1938
19 (29 U.S.C. 201 et seq.),

20 (G) the Occupational Safety and Health
21 Act of 1970 (29 U.S.C. 651 et seq.), and

22 (H) the Family and Medical Leave Act of
23 1993.

24 (b) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

1 (1) IN GENERAL.—A congressional employee,
2 including a class or organization acting on behalf of
3 a congressional employee, may bring an administra-
4 tive action in accordance with paragraph (2) before
5 an administrative agency to enforce the application
6 of a law set out in subsection (a)(2) by the Congress
7 or the congressional employer of such employee to
8 such employee if a similarly situated complaining
9 party may bring such an action before such agency.

10 (2) REQUIREMENTS.—An administrative action
11 described in paragraph (1) shall be commenced in
12 accordance with the statutory and procedural re-
13 quirements of the law which is sought to be en-
14 forced.

15 (3) ADMINISTRATIVE ACTION.—An administra-
16 tive agency before which is brought an action de-
17 scribed in paragraph (1) may take such action
18 against the Congress or congressional employer sited
19 in the action as the agency could take in an action
20 brought by a similarly situated complaining party.

21 (c) ENFORCEMENT BY CIVIL ACTION.—

22 (1) IN GENERAL.—A congressional employee,
23 including a class or organization acting on behalf of
24 a congressional employee, may bring a civil action to
25 enforce a provision of law set out in subsection

1 (a)(2) in a court authorized by paragraph (3)
2 against the Congress or the congressional employer
3 of such employee if a similarly situated complaining
4 party could bring such a civil action.

5 (2) REQUIREMENTS.—A civil action described
6 in paragraph (1) shall be commenced in accordance
7 with the statutory and procedural requirements of
8 the law which is sought to be enforced.

9 (3) VENUE.—An action may be brought under
10 paragraph (1) to enforce a provision of law set out
11 in subsection (a)(2) in any court of competent juris-
12 diction in which a similarly situated complaining
13 party may otherwise bring a civil action to enforce
14 such provision.

15 (4) RELIEF.—In any civil action brought under
16 paragraph (1) to enforce a provision of law set out
17 in subsection (a)(2), the court—

18 (A) may grant as relief against the Con-
19 gress or congressional employer any equitable
20 relief otherwise available to a similarly situated
21 complaining party bringing a civil action to en-
22 force such provision,

23 (B) may grant as relief against the Con-
24 gress any damages that would otherwise be
25 available to such a complaining party, and

1 (C) allow such fees and costs as would be
2 allowed in such an action by such a party.

3 **SEC. 3. MATTERS OTHER THAN EMPLOYMENT.**

4 (a) RIGHTS AND PROTECTIONS.—In accordance with
5 paragraph (6) of section 509(a) of the Americans with
6 Disabilities Act of 1990 (42 U.S.C. 12209), the rights and
7 protections provided under such Act shall apply with re-
8 spect to the conduct of the Congress regarding matters
9 other than employment.

10 (b) ENFORCEMENT.—To enforce paragraph (1), any
11 person may—

12 (1) bring an administrative action described in
13 section 2(b), or

14 (2) a civil action described in section 2(c).

15 **SEC. 4. INFORMATION.**

16 (a) APPLICATION.—The rights and protections pro-
17 vided under section 552a of title 5, United States Code,
18 shall apply with respect to information in the possession
19 of the Congress.

20 (b) ENFORCEMENT.—To enforce subsection (a), any
21 person may—

22 (1) bring an administrative action described in
23 section 2(b), or

24 (2) a civil action described in section 2(c),

1 against Congress or a congressional employer in posses-
2 sion of information.

3 **SEC. 5. INDEPENDENT COUNSEL.**

4 (a) APPLICATION.—The rights and protections pro-
5 vided pursuant to chapter 40 of title 28, United States
6 Code, shall apply with respect to investigations of congres-
7 sional improprieties.

8 (b) ENFORCEMENT.—To enforce subsection (a), any
9 person may—

10 (1) bring an administrative action described in
11 section 2(b), or

12 (2) a civil action described in section 2(c),
13 against any party with a duty under such chapter 40.

14 **SEC. 6. AMENDMENT TO THE RULES OF THE SENATE.**

15 Rule XIV of the Standing Rules of the Senate is
16 amended by adding at the appropriate place the following:
17 “No bill, resolution, or amendment which creates a re-
18 quirement of general applicability but which exempts the
19 Congress of the United States from its provisions may be
20 considered except by a vote of three-fifths of Senators duly
21 chosen and sworn.”.

22 **SEC. 7. AMENDMENT TO THE RULES OF THE HOUSE OF**
23 **REPRESENTATIVES.**

24 Rule XXIV of the House of Representatives is
25 amended by adding at the end the following:

1 “(9) No bill, resolution, or amendment which creates
2 a requirement of general applicability but which exempts
3 the Congress of the United States from its provisions may
4 be considered except by a vote of three-fifths of the Mem-
5 bers duly chosen and sworn.”.

6 **SEC. 8. DEFINITIONS.**

7 For purposes of this Act:

8 (1) The term “congressional employer”
9 means—

10 (A) a supervisor as described in paragraph
11 12 of rule XXXVII of the Rules of the Senate;

12 (B)(i) a Member of the House of Rep-
13 resentatives with respect to the administrative,
14 clerical, and other assistants of a Member;

15 (ii) a Member who is the chairman of a
16 committee with respect to the professional, cler-
17 ical and other assistants to the committee;

18 (iii) the ranking minority Member of a
19 committee with respect to the minority staff
20 members of the committee;

21 (iv) a member who is the chairman of a
22 subcommittee which has its own staff and fi-
23 nancial authorization with respect to the profes-
24 sional, clerical, and other assistants to the sub-
25 committee;

1 (v) the ranking minority Member of a sub-
2 committee with respect to the minority staff
3 members of the subcommittee;

4 (vi) the Majority and Minority Leaders of
5 the House of Representatives and the Majority
6 and Minority Whips with respect to the re-
7 search, clerical, and other assistants to their re-
8 spective offices; and

9 (vii) the other officers of the House of
10 Representatives with respect to the employees
11 of such officers;

12 (C) the Architect of the Capitol with re-
13 spect to the employees of the Architect of the
14 Capitol;

15 (D) the Director of the Congressional
16 Budget Office with respect to the employees of
17 such office;

18 (E) the Comptroller General with respect
19 to the employees of the General Accounting Of-
20 fice;

21 (F) the Public Printer with respect to the
22 employees of the Government Printing Office;

23 (G) the Librarian of Congress with respect
24 to employees of the Library of Congress;

1 (H) the Director of the Office of Tech-
2 nology Assessment with respect to employees of
3 such office; and

4 (I) the Director of the United States Bo-
5 tanic Gardens with respect to the employees of
6 such gardens.

7 (2) The term “congressional employee” means
8 an employee who is employed by, or an applicant for
9 employment with, a congressional employer.

10 (3) The term “similarly situated complaining
11 party” means—

12 (A) in the case of party seeking to enforce
13 a provision with a separate enforcement mecha-
14 nism for governmental complaining parties, a
15 governmental complaining party, or

16 (B) in the case of a party seeking to en-
17 force a provision with no such separate mecha-
18 nism, a complaining party.

19 **SEC. 9. EFFECTIVE DATE.**

20 This Act shall take effect one hundred twenty days
21 after the date of its enactment.

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